

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

REGINALD UNDERWOOD)
FULLARD,)
)
Plaintiff,)
)
)
v.) 1:21CV416
)
)
C.K. ROBERTSON,)
)
)
Defendant(s).)

ORDER

The Order and Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on May 27, 2021, was served on the parties in this action. Plaintiff filed objections to the Recommendation. (ECF No. 5.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

Plaintiff also filed a new application to proceed *in forma pauperis*. (See ECF No. 6.) *In forma pauperis* status was previously granted for the sole purpose of entering the Order and Recommendation of the United States Magistrate Judge. (See ECF No. 3 at 2.) Plaintiff's current application to proceed *in forma pauperis* will be denied in light of the Court's dismissal of Plaintiff's Complaint. Accordingly,

IT IS THEREFORE ORDERED that Plaintiff's application to proceed *in forma pauperis*, (ECF No. 6), is DENIED.

IT IS FURTHER ORDERED this action is FILED and DISMISSED *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, and accompanied by the \$402.00 filing fee.

A judgment dismissing this action will be entered contemporaneously with this Order.

This, the 8th day of July 2021.

/s/ Loretta C. Biggs
United States District Judge